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HUMAN RIGHTS COMMITTEE

Forty-seventh session

SUMMARY RECORD OF THE 1233rd MEETING

Held at Headquarters, New York,
on Thursday, 8 April 1993, at 3 p.m.

Chairman: Mr. ANDO

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The meeting was called to order at 3.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS

Amendment to the rules of procedure

1. The CHAIRMAN drew attention to an amendment to the rules of procedure, involving the insertion of a new paragraph 2 in rule 66, which had been adopted at the Committee's 1205th meeting on 6 November 1992. He asked members to reconfirm the final wording of the amendment, which read:

> "Requests for submission of a report under article 40, paragraph 1 (b), of the Covenant may be made in accordance with the periodicity decided by the Committee or at any other time the Committee may deem appropriate. In the case of an exceptional situation when the Committee is not in session, a request may be made through the Chairman, acting in consultation with the members of the Committee."

The existing paragraphs 2 and 3 of rule 66 would be renumbered paragraphs 3 and 4.

2. Mr. AGUILAR proposed a number of minor drafting changes to the Spanish version of the text.

3. The CHAIRMAN said he would take it that the Committee approved the final text of the amendment.

4. It was so decided.

Reports by States parties for consideration at the Committee's forty-eighth session

5. The CHAIRMAN said that the Bureau had proposed that the Committee should consider the following reports at its forty-eighth session: the initial report of Ireland, the second periodic reports of Egypt and Bulgaria, and the third periodic report of Hungary. It would also continue its consideration of the second periodic report of the Islamic Republic of Iran, while the reports of the Libyan Arab Jamahiriya and Afghanistan will be held in reserve. If he heard no objection, he would take it that the Committee agreed to the Bureau's proposals.

6. It was so decided.

Report of the Special Rapporteur on article 27

7. The CHAIRMAN said that it would be very appropriate for the Committee to consider the question of the rights of ethnic, religious and linguistic minorities during the International Year of the World's Indigenous People in 1993 and he had therefore suggested to the Special Rapporteur on article 27, Mr. Lallah, that he should prepare an initial draft of his report for

(The Chairman)

consideration by the Working Group during the Committee's forty-ninth session. If he heard no objection, he would take it that the Committee agreed to that proposal.

8. It was so decided.

Contribution by the Committee to the World Conference on Human Rights

9. The CHAIRMAN said that it had been decided that the Committee should submit a paper to the forthcoming World Conference on Human Rights, although the contents of the paper had yet to be fully determined. It had also been decided that Mr. Pocar would represent the Committee at the fourth session of the Preparatory Committee for the World Conference on Human Rights, to be held in Geneva at the end of April 1993, and that he himself would attend the World Conference in his capacity as Chairman of the Human Rights Committee.

10. Mrs. HIGGINS said that it was her understanding that the Committee had decided to submit two papers to the World Conference. The first paper would give details of those State parties which had been very late in submitting reports, had failed to cooperate with the Committee in its deliberations under the Optional Protocol, or had failed to give replies to questions submitted by the Special Rapporteur on Follow-up. That paper would be prepared by the outgoing and incoming Special Rapporteurs on Follow-up, the Chairman and the Secretariat. The second should be a paper drawing on the recommendations of the meetings of persons chairing the human rights treaty bodies and the study by Mr. Alston (A/44/668), with a view to enabling the Committee to make tangible proposals on improving treaty procedures. That paper would be prepared by the Chairman, the Secretariat and Mr. Pocar.

11. Mr. POCAR said he was not sure that the Committee had decided to draw up a paper on the second question referred to by Mrs. Higgins. He would be able to report to the Committee on the meeting of chairpersons scheduled to be held during the session of the Preparatory Committee, but he would not be in a position to prepare a paper.

12. Mr. EL-SHAFEI, referring to the second paper mentioned by Mrs. Higgins, said that it had been agreed that a draft of the paper should be circulated to Committee members for their comments. He noted that the papers in question were to be submitted not to the Preparatory Committee, but to the World Conference itself. He would also welcome clarification as to the status of the papers in question and whether they were to be official documents of the Human Rights Committee.

13. Mr. HERNDL said that it was vital for the Committee to make a contribution to the World Conference, setting out its ideas and views, in the same way as other treaty bodies. He agreed that attention should be drawn to States parties which had been recalcitrant in complying with their obligations under the Covenant, but he also felt that recommendations should be put forward concerning the coordination of the activities of treaty bodies. In addition, a decision should be taken during the session of the Preparatory Committee to the effect that the chairpersons of the treaty bodies should attend the World Conference,

(Mr. Herndl)

during which they should convene a meeting. That would enable the Chairman to present a paper setting out the Committee's views and ideas. With that in view, a draft should be drawn up by the Chairman, Mr. Pocar, and the Secretariat.

14. The CHAIRMAN recalled that a document on the subject had been drawn up two years earlier by the Working Group on Article 40.

15. Mrs. CHANET said that she remembered the document in question, which had served as a basis for the official document submitted to the first session of the Preparatory Committee, setting out the ideas the Committee wished to see discussed at the World Conference. That document had already taken into account the proposals put forward by Mr. Alston and, in the interests of consistency, the Committee should continue to use it as a basis, updating and supplementing it as appropriate.

16. Mr. SADI said that the paper in question should not only deal with existing problems, but should also set out the Committee's strategies for the future.

17. Mr. POCAR agreed that the document prepared for the first session of the Preparatory Committee should serve as a basis. A meeting of chairpersons of treaty bodies would be held during the fourth session of the Preparatory Committee, and it was possible that a decision would be taken to submit a common paper. If that were the case, the Committee's paper might need to be harmonized with that text.

18. Mrs. KLEIN (Secretary of the Committee) pointed out that the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child had both prepared papers for the World Conference, which would be published as documents of the fourth session of the Preparatory Committee. That possibility was not open to the Committee, but its documents could be submitted directly to the World Conference.

19. Mr. EL-SHAFEI said that the paper to be submitted to the World Conference should summarize the work so far carried out by the Committee, detail improvements in its working methods and rules of procedure, discuss its relations with States parties and put forward strategies to be pursued in the future. The document could be prepared by the Secretariat and then discussed and amended by the Committee.

20. Mrs. EVATT said that special emphasis should be placed on the training of law enforcement officers.

21. The CHAIRMAN said that he would take it that the Committee agreed that a paper should be drawn up, along the lines suggested by Mrs. Higgins and incorporating the proposals made by various other Committee members, for submission to the World Conference on Human Rights.

22. It was so decided.

Composition and agendas of the Working Groups for 1994

23. The CHAIRMAN said that, following consultations with the members concerned, he was in a position to propose the following changes in the composition of the Committee's working groups for 1994: Mr. Mavrommatis would become the Special Rapporteur of the Working Group on Follow-up, and Mr. Fodor would prepare the portion of the Committee's draft report dealing with follow-up. In addition, Mr. Ndiaye, Mr. Prado-Vallejo and Mr. Sadi would join the Working Group on Communications, and Mr. Wennergren would join the Working Group on Article 40.

24. It was so decided.

25. The CHAIRMAN suggested that the following items should be included in the agenda of the Working Group on Communications: consideration of communications left over from the previous session, new communications requiring urgent treatment, and the draft report on special follow-up measures.

26. It was so decided.

27. The CHAIRMAN suggested that the following items should be included in the agenda of the Working Group on Article 40: periodic reports of States parties, lists of issues concerning those reports, and the draft general comment on article 18 of the Covenant (CCPR/C/45/CRP.2), in particular, the part in square brackets (paras. 11, 12 and 13).

28. It was so decided.

29. Mr. BRUNI CELLI wondered how the composition of the working groups was decided and whether new members of the Committee would be eligible to participate in the meetings of the Working Group during the summer.

30. The CHAIRMAN said that the composition of the Working Groups was decided on the basis of geographical distribution, but that there was no prescribed number of members in each Working Group. The Working Group on Communications had a slightly larger membership than the other Working Groups.

31. Mr. EL-SHAFEI said that the membership selection process for the Working Groups was unclear. The availability of potential members and the principle of rotating the membership within different geographical regions should also be taken into account. He hoped that the Committee would decide on guidelines that would ensure that all members had an opportunity to participate in the work of the Working Groups.

32. The CHAIRMAN said he hoped that members from the same geographical region could agree informally to rotate membership of the Working Groups so that they would all have an opportunity to participate.

Overdue periodic reports

33. The CHAIRMAN said that, according to the Committee secretariat, 18 periodic reports were overdue by at least three years. That figure included the reports of three States parties (Equatorial Guinea, the Central African Republic and the Congo) whose representatives had been unable to attend a meeting with him to discuss the question of the submission of the reports.

34. Mrs. KLEIN (Secretary of the Committee) said that attempts had been made to contact the three missions concerned, but only the Permanent Representative of Equatorial Guinea could be reached. He had said that a representative of his country would not be able to attend a meeting with the Committee's secretariat to discuss the matter, but that he would transmit the Committee's reminder to his Government.

35. The CHAIRMAN said that Mr. El-Shafei, Mr. Aguilar and he himself had been asked to contact the States parties concerned and to report back to the Committee on the status of their reports.

36. Mr. EL-SHAFEI said that he had tried to contact the Permanent Representatives of 7 of the remaining 15 States whose reports were overdue. Unfortunately, he had not received any positive response, although all the Permanent Representatives had said that they would convey the Committee's concerns to their respective Governments.

37. Mr. AGUILAR said that he had tried to contact representatives of six of the States parties on the list, and that he had received a favourable response from the Netherlands regarding the report of the Netherlands Antilles, which would be submitted as an addendum to the third periodic report of the Netherlands. Other States parties on the list had expressed uncertainty about what the reports should contain.

38. The CHAIRMAN said that he had contacted the Permanent Mission of Cyprus, and had ben told that the next periodic report of Cyprus would be available soon, possibly in a few months. In addition, a representative of the Permanent Mission of the Democratic People's Republic of Korea had said that the Permanent Representative would transmit the Committee's request to his Government.

Communications

39. Mr. de ZAYAS (Centre for Human Rights) said that the Committee had adopted nine views regarding 10 cases, and in five cases it had decided to declare communications inadmissible. In addition, the Committee had taken two decisions, under rule 91 of the rules of procedure, to transmit cases to States parties, and two cases had been discontinued. During the meetings of the Working Groups, six cases had been declared admissible. The backlog of cases still to be considered by the Committee now numbered 150.

40. Mr. EL-SHAFEI said he hoped that, in the future, the Committee could reserve its last day of meetings for substantive work rather than organizational matters.

41. Mr. HERNDL agreed with Mr. El-Shafei. That Committee had difficulty getting through all its work in the time allotted to it, and it was for that reason that it had decided earlier to request additional time to be used exclusively for communications. He suggested that the Committee secretariat could be increased in order to help to process the backlog of communications. The Committee could inform the Centre for Human Rights about the problem and it might be able to give the Committee some advice in that regard.

42. Mr. AGUILAR agreed with Mr. Herndl regarding the need to reduce the backlog in communications, but said it would be difficult to request additional meeting time if the Committee did not use all the time allotted to it. Moreover, the Working Group on Article 40 also needed additional staff.

Question of the consideration of the comments of the Human Rights Committee on reports submitted by States parties

43. Mr. HERNDL proposed that the Committee should dispense with issuing summary records of closed meetings at which draft general comments were discussed. As the documents on which those records were based were never officially issued, the summary records were of only minimal use as reference sources regarding the substance of the Committee's deliberations.

44. The CHAIRMAN said that Mr. Herndl's proposal appeared to have merit, but that there was not enough time left to discuss it.

45. Mrs. CHANET said she would prefer to defer consideration of Mr. Herndl's proposal until the next session of the Committee.

46. The CHAIRMAN suggested that the Committee might consider Mr. Herndl's suggestion at a future session when more Committee members would be present.

47. It was so decided.

CLOSURE OF THE SESSION

48. After the customary exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 4.30 p.m.